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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGEL FRALEY; PAUL WANG; SUSAN
MAINZER; JAMES H. DUVAL, a minor, by
and through JAMES DUVAL, as Guardian ad
Litem; and W.T., a minor, by and through
RUSSELL TAIT, as Guardian ad Litem;
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

FACEBOOK, INC., a corporation; and
DOES 1-100,

Defendant.

Case No. CV-11-01726 RS

**STIPULATION AND ~~PROPOSED~~ ORDER
REGARDING THE PENDING
ADMINISTRATIVE MOTIONS TO SEAL**

Judge: Hon. Richard Seeborg
Courtroom: 3
Trial Date: December 3, 2012

Pursuant to Civil Local Rule 7-12, this Stipulation is entered into by and between Plaintiffs and Defendant Facebook, Inc. (“Facebook”) (collectively, the “Parties”) by and through their respective counsel:

1. On August 1, 2012 the Court ordered the Parties to meet and confer regarding the administrative motions to seal documents then pending before the Court (the “August 1 Order”) (Dkt. No. 217).

2. The pending motions consist of the following:¹

Table 1 – Pending Administrative Motions to Seal Documents

Docket No.	Motion to Seal
110	Plaintiffs’ Administrative Motion to Seal Documents in Support of the Motion for Class Certification
115	Facebook’s Administrative Motion to Seal Additional Documents Lodged by Plaintiffs in Support of the Motion for Class Certification <ul style="list-style-type: none"> • <i>Revised by Dkt. No. 124</i>
129	Facebook’s Administrative Motion to Seal Documents in Support of Facebook’s Opposition to the Motion for Class Certification
135	Facebook’s Administrative Motion to Seal Documents in Support of Facebook’s Motion to Strike
153	Plaintiffs’ Administrative Motion to Seal Documents in Support of Plaintiffs’ Reply Brief in Support of the Motion for Class Certification
158	Facebook’s Administrative Motion to Seal Additional Documents Lodged by Plaintiffs’ in Support of Plaintiffs’ Reply Brief in Support of the Motion for Class Certification
160	Facebook’s Administrative Motion to Seal Documents in Support of Facebook’s Evidentiary Objections to the Reply Declaration of Fernando Torres filed in Support of Plaintiffs’ Reply to the Motion for Class Certification
176	Plaintiffs’ Administrative Motion to Seal Documents in Support of Plaintiffs’ Motion for Preliminary Approval of Settlement <ul style="list-style-type: none"> • <i>Proposed Redactions Narrowed in Declaration of Sandeep N. Solanki in Support of Plaintiffs’ Administrative Motion and Notice to File Documents and Portions of Documents Under Seal (Dkt. No. 186).</i>
188	Facebook’s Administrative Motion to Seal Documents in Support of Facebook’s Brief in Support of Plaintiffs’ Motion for Preliminary Approval of Settlement
190	Plaintiffs’ Administrative Motion to Seal Documents in Support of Plaintiffs’ Opposition to Motion to Intervene

3. On July 25, 2012, the Court denied the Motion to Intervene filed by the named plaintiffs in the related case captioned *C.M.D. v. Facebook, Inc.*, No. 12-cv-01216 RS (N.D.

¹ The Court’s August 1 Order identified eleven pending motions to seal, Dkt. Nos. 110, 115, 129, 135, 153, 158, 160, 17, 181, 181, and 190. After carefully reviewing the docket, the Parties believe that the table above accurately reflects the pending motions to seal. Table 1 does not include Dkt. Nos. 17 or 181, omitting them for Dkt. Nos. 176 and 188.

Cal.), describing the Motion to Intervene as “moot” given the proposed intervenors’ ability to file objections to preliminary and final approval of the settlement (*see* Dkt. No. 215) (the “July 25 Order”).

4. In the August 1 Order, the Court also denied Plaintiffs’ Motion for Class Certification without prejudice (*see* Dkt. No. 217).

5. Pursuant to the Court’s August 1 Order, the Parties have met and conferred regarding the pending motions to seal referenced above in Table 1, and have also conferred regarding the impact of the Court’s July 25 Order and August 1 Order on those motions to seal.

6. The Parties agree that the Court’s July 25 Order renders as moot the pending administrative motion to seal documents related to the Motion to Intervene (Dkt. No. 190).

7. The Parties agree that the Court’s August 1 Order renders as moot for present purposes the pending administrative motions to seal documents related to the Motion for Class Certification (Dkt. Nos. 110, 115, 129, 135, 153, 158, and 160), but that circumstances may arise in the future that would require a ruling on those motions to seal.

8. The Parties have also met and conferred regarding the proposed redactions in the two remaining administrative motions to seal related to the Motion for Preliminary Approval of Class Action Settlement—namely, (i) Plaintiffs’ Administrative Motion and Notice to File Documents and Portions of Documents Under Seal (Dkt. No. 176), with the narrower redactions proposed by Facebook in the Declaration of Sandeep N. Solanki in Support of Plaintiffs’ Administrative Motion and Notice to File Documents and Portions of Documents Under Seal and the Exhibits attached thereto, and (ii) Defendant Facebook, Inc.’s Administrative Motion to File Under Seal Documents and Portions of Documents (Dkt. No. 188). Having met and conferred, the Parties assert that the following document should be sealed as reflected below in Table 2. This table also reflects the basis in Facebook’s supporting papers demonstrating good cause for the Court to seal the document.

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Table 2 – Portions of Document To Be Filed Under Seal

Motion to Seal	Document to be sealed & Dkt No. of Publicly Redacted Document	Page/Line cite of proposed redaction	Basis for Sealing
Dkt. No. 176	Declaration of Steven R. Weinmann in support of Motion for Preliminary Approval of Class Action Settlement, Exhibit 13 (Facebook's Supp. Response to Special Interrogatory No. 10, which can be found on ECF Page 11 of 11 on Dkt. No. 186, Exh. A)	Internal page 3; lines 15 and 21	This information consists of non-public, confidential information about the number of Sponsored Stories impressions shown to Facebook users. <i>See</i> Decl. of Sandeep Solanki (Dkt. No. 186), pg. 2 and Exhibit A.

9. Facebook is also lodging with the Court courtesy copies of redacted and highlighted versions of the document that reflect the proposed redactions in Table 2.

10. NOW, THEREFORE, the Parties hereby stipulate and agree as follows:

a. The Court's July 25 Order renders as moot the pending administrative motion to seal documents related to the Motion to Intervene (Dkt. No. 190);

b. The Court's August 1 Order renders as moot for present purposes the pending administrative motions to seal documents related to the Motion for Class Certification (Dkt. Nos. 110, 115, 129, 135, 153, 158, and 160), and those motions do not need to be ruled on at this time;

c. The Parties ask the Court to hold its ruling on the motions to seal documents related to the Motion for Class Certification (Dkt. Nos. 110, 115, 129, 135, 153, 158, and 160) in abeyance, and to keep the documents provisionally under seal, with the Parties to notify the Court in the future if a ruling on those motions is required;

d. The Parties renew Plaintiffs' Administrative Motion and Notice to File Documents and Portions of Documents Under Seal (Dkt. No. 176), but only as to the information in the Declaration of Steven R. Weinmann in support of Motion for Preliminary Approval of Class Action Settlement, Exhibit 13 (Facebook's Supp. Response to Special Interrogatory No. 10, which can be found on ECF Page 11 of 11 on Dkt. No. 186, Exh. A), on internal page 3; lines 15

1 and 21; the remainder of that motion may be denied without prejudice; and

2 e. The Parties agree that Defendant Facebook, Inc.'s Administrative Motion
3 to File Under Seal Documents and Portions of Documents (Dkt. No. 188) may be denied without
4 prejudice, with unredacted versions to be filed in the public record.

5
6 **IT IS SO STIPULATED.**

7 Dated: August 20, 2012

COOLEY LLP

8
9 /s/ Matthew D. Brown
Matthew D. Brown (196972)

10 Attorneys for Defendant FACEBOOK, INC.

11
12 Dated: August 20, 2012

THE ARNS LAW FIRM

13
14 /s/ Robert S. Arns
Robert S. Arns (75071)

15 Attorneys for Plaintiffs
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18 **ATTESTATION**
19 **(CIVIL LOCAL RULE 5-1(i)(3))**

20 In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this
21 document has been obtained from each of the other signatories.

22
23 /s/ Matthew D. Brown
Matthew D. Brown

PROPOSED ORDER

This matter, having come before the Court pursuant to the Stipulation Regarding the Pending Administrative Motions to Seal, filed August 20, 2012, and the Court having considered the Administrative Motion to Seal Documents related to the Motion for Preliminary Approval (Dkt. No. 176) ("Administrative Motion"):

The Court finds that good cause has been shown to support filing under seal the excerpts from page 3; lines 15 and 21 of Exhibit 13 to the Declaration of Steven R. Weinmann in support of Motion for Preliminary Approval of Class Action Settlement, Exhibit 13 (Facebook's Supp. Response to Special Interrogatory No. 10, which can be found on ECF Page 11 of 11 on Dkt. No. 186, Exh. A).

Accordingly, the Administrative Motion is GRANTED in part and denied in part.

IT IS HEREBY ORDERED that the following documents and portions of documents shall be filed under seal and sealed from the public record:

- Excerpts from page 3; lines 15 and 21 of Exhibit 13 to the Declaration of Steven R. Weinmann in support of Motion for Preliminary Approval of Class Action Settlement, Exhibit 13 (Facebook's Supp. Response to Special Interrogatory No. 10, which can be found on ECF Page 11 of 11 on Dkt. No. 186, Exh. A);

The remaining portions of Plaintiffs' Administrative Motion and Notice to File Documents and Portions of Documents Under Seal (Dkt. No. 176) are denied without prejudice;

Facebook, Inc.'s Administrative Motion to File Under Seal Documents and Portions of Documents (Dkt. No. 188) is denied without prejudice;

Plaintiffs' Administrative Motion and Notice to File Documents and Portions of Documents Under Seal (Dkt. No. 190) is denied without prejudice;

The following administrative motions to seal documents are held in abeyance, with the documents to be kept provisionally under seal, and the parties are directed to notify the Court promptly if a ruling on any of these motions is required:

- Administrative Motion and Notice to File Documents and Portions of Documents Under Seal (Dkt. No. 110)

- Defendant Facebook, Inc.'s Administrative Motion to Seal Additional Documents and Portions of Documents Lodged by Plaintiffs in Support of Plaintiffs' Motion for Class Certification (Dkt. No. 115)
- Defendant Facebook, Inc.'s Administrative Motion to File Under Seal Pursuant to Civ. L.R. 79-5 (Dkt. No. 129)
- Defendant Facebook, Inc.'s Administrative Motion to File Under Seal Exhibits to Gutkin Declaration Pursuant to Civ. L.R. 79-5 (Dkt. No. 135)
- Administrative Motion and Notice to File Documents and Portions of Documents Under Seal (Dkt. No. 153)
- Defendant Facebook, Inc.'s Administrative Motion to Seal Additional Documents and Portions of Documents Lodged by Plaintiffs in Support of Their Reply in Support of Motion for Class Certification (Dkt. No. 158)
- Defendant Facebook, Inc.'s Administrative Motion to File Under Seal Pursuant to Civ. L.R. 79-5 (Dkt. No. 160)

IT IS SO ORDERED.

Dated: August 27, 2012


HON. RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

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